



**CITY OF SCOTTSDALE
PLANNING COMMISSION
REGULAR MEETING**

WEDNESDAY, NOVEMBER 12, 2014

**COPPER RIDGE SCHOOL – SCHOOL CAFETERIA
10101 E. THOMPSON PEAK PARKWAY
SCOTTSDALE, ARIZONA 85255**

PRESENT: Ed Grant, Chair (left at 5:45 p.m.)
Michael Edwards, Vice Chair
David Brantner
Matthew Cody
Larry Kush
Michael J. Minnaugh (arrived at 5:19 p.m.)

ABSENT: Ali Fakih

STAFF: Nerijus Baronas
Greg Bloemberg
Lorraine Castro
Tim Curtis
Phil Kercher
Jesus Murillo
Erin Perreault
Sherry Scott
Adam Yaron

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| PUBLIC: | John Allen | Jim Hartsock |
| | John Berry | James Heitel |
| | Todd Boffo | Gary Kalian |
| | John Brown | Norbert Kleiner |
| | Robert Cappel | Howard Myers |
| | Andrew Clary | Rick Uebel |
| | Jim Davis | Abtin Zarrabi |

CALL TO ORDER

Vice Chair Edwards called the regular meeting of the Scottsdale Planning Commission to order at 5:04 p.m.

ROLL CALL

A formal roll call was conducted confirming members present as stated above.

1. Approval of the October 22, 2014 Regular Meeting Minutes Including Study Session

COMMISSIONER KUSH MOVED TO APPROVE THE OCTOBER 22, 2014 REGULAR MEETING AND STUDY SESSION MINUTES AS PRESENTED. COMMISSIONER CODY SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FIVE (5) TO ZERO (0). COMMISSIONER MINNAUGH ARRIVED LATER. COMMISSIONER FAKIH WAS ABSENT.

ACTION ITEMS

EXPEDITED AGENDA

2. 10-AB-2014 (Chamberlain Residence)
3. 15-ZN-2014 (7326 Uprising)

COMMISSIONER BRANTNER MOVED TO RECOMMEND THAT CITY COUNCIL APPROVE CASES 10-AB-2014 (CHAMBERLAIN RESIDENCE) AND 15-ZN-2014 (7326 UPRISING) PER THE STAFF RECOMMENDED STIPULATIONS, AFTER DETERMINING THAT THE PROPOSED ABANDONMENT AND ZONING DISTRICT MAP AMENDMENT, INCLUDING APPROVAL OF THE AMENDED DEVELOPMENT STANDARDS, ARE CONSISTENT AND CONFORM WITH THE ADOPTED GENERAL PLAN. VICE-CHAIR EDWARDS SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FIVE (5) TO ZERO (0). COMMISSIONER MINNAUGH ARRIVED LATER. COMMISSIONER FAKIH WAS ABSENT.

REGULAR AGENDA

Chair Grant announced that because more members of the public wished to address the Commission on agenda item 6, they would hear that item first.

6. 13-ZN-2014 (Cavalliere Ranch)

Mr. Jesus Murillo, Senior Planner, presented the rezoning application, explaining that no General Plan amendment is associated with this case because the proposed density does not exceed what is allowed in the General Plan.

Mr. Berry spoke on behalf of the Applicant.

Chair Grant opened the public testimony.

Mr. Howard Myers of the Desert Property Owners' Association, speaking on behalf of several residents, noted he had sent the Commissioners a study about City finances which revealed that with Scottsdale's current sources of income and expenses, development does not pay for itself. Tourism is supplementing Scottsdale's income to make up the loss caused by development. A panel of three economic experts in the Valley recommended that Scottsdale should maintain its brand and desirability to tourists and higher income residents.

Mr. Myers said Cavalliere is a poster child for why character areas are needed and should be honored. The real issue is development densities. The proposed lot sizes are not compatible with adjacent properties. He opined that removing the large lot areas is destroying housing variety in Scottsdale. It is not clear how much open space will be provided. Mr. Myers noted that much of 50 percent NAOS described by the Applicant is on land of ten to 15 percent grade which is included in the development envelopes.

Mr. Myers displayed graphics of projected traffic patterns, noting residents would be using Ranchgate. Cavalliere Ranch is estimated to add 4200 trips per day. Sereno Canyon is also to add an additional 3200-plus trips per day to Ranchgate. The bottleneck will be at Alma School and Happy Valley. Mr. Myers pointed out that the proposed development is remote so residents will depend on using their cars. Happy Valley, 118th Street and Ranchgate will need to be widened.

Mr. Myers said the real issue is that the Applicant has not met the criteria for the PCD district. He felt that rather than having 34 stipulations to be implemented at some point in the future, the infrastructure should be in place before development happens. Given that there is not a single owner of the land, this is crucial. He noted that many of the stipulations make reference to the Development Review Board, however, residential development is not within the purview of the DRB.

Vice-Chair Edwards presided over the meeting following the departure of Chair Grant.

Mr. Jim Davis, who is a member of the board at Estancia, spoke also on behalf of the boards at Privada and Ranchgate. All these communities lie between Happy Valley and Dynamite. He expressed opposition to the project due to the increased traffic and density, saying that residents had chosen to buy in this area because of its quiet rural character.

Mr. Gary Kalian, who lives near the intersection of Happy Valley and Whispering Wind, expressed his strong objection to the staff report on this case only being circulated within the past 24 hours. He urged the Commission to reject the staff recommendation to approve this zoning change, characterizing it as a whitewash. The intensity of this development is not compatible with the surrounding areas. Although the staff report mentions mitigation items they are not addressed. For example, construction traffic has not been addressed in either the staff report or the traffic analysis, although it will take several years for the entire project to be fully built.

Mr. Abtin Zarrabi, who lives in the DC Ranch area, is planning to move to Troon North. He expressed concern about the future. It is a mismatch to put this subdivision adjacent to the Preserve.

Mr. Rick Ueable spoke in favor of the project, noting that 50 percent NAOS is consistent with the General Plan. Master planning leads to better development. Less than one unit per acre makes sense. This is a great opportunity for the City.

Mr. Robert Cappel, President of the Greater Pinnacle Peak Association and President of the Winfield Homeowners Association, said they did not receive the documents in time for the board members of those organizations to review, hence he was speaking personally. Taylor Morrison is a reputable company, but he questioned who owns the rest of this land. He expressed concern for the critical wildlife corridor.

Mr. John Allen, State Representative, District 15, said this is a great economic opportunity that will continue for generations since the housing will be for upper middle income residents. He opined that solutions can be found to mitigate the increase in traffic and that the developer is committed to high environmental standards. Mr. Allen concluded by thanking the Commissioners for their service to the community.

Mr. Todd Boffo quoted John F. Kennedy "Change is the law of life and those who look only to the past or present are certain to miss the future." He was in favor of the master planned development. Housing and jobs are needed.

Mr. John Brown, a builder and small developer, encouraged the Commission to approve this case as the development is good for the economy, the environment and the whole community. Taylor Morrison has a fine reputation and is a trustworthy company.

Mr. Norbert Kleiner, who lives near the proposed development, said he has requested the environmental impact study, the drainage impact study and the transportation impact study for this project but they have not been made available to him. He noted that his community is experiencing several drainage problems as a direct result of inadequately planned prior projects. He urged the Commission to reject this application, at least pending completion of these study items.

Mr. James Heitel, Chairman of the McDowell Sonoran Preserve Commission, recalled his own experiences as a past member of the Planning Commission. This is one of the most remote parcels in the City, adjacent to one of the more critical areas of the Preserve. He reminded the meeting that the City has spent close to three-quarters of a billion dollars to acquire the Preserve land. He argued that the proposal provides absolutely no public benefit to the City. It redefines the concept of rural neighborhoods, obliterates the character area planning concept and does significant harm to the McDowell Sonoran Preserve. Mr. Heitel said that the character area plan is in fact the master plan. Any redefinition of rural neighborhood will open the floodgates to land speculators clamoring to upzone every low density rural area. The Dynamite Character Area Plan is absolutely clear about maintaining current densities. The recommendations of the Desert Preservation Task Force were incorporated into the plan. Approving this application would mean completely ignoring character-based planning.

Mr. Heitel said the McDowell Sonoran Preserve Commission's role is to safeguard the interests of the Preserve. The Arizona Preserve Initiative was intended to reduce urban sprawl. For years the McDowell Sonoran Preserve Commission has been on record opposing higher density projects. He urged the members of the Planning Commission to seriously consider rejecting this application.

Vice Chair Edwards closed the public testimony and invited the Applicant to respond.

Mr. Berry responded on behalf of the Applicant. He noted that with master planned communities, the stipulations and the next steps in the master planning process assure that the stipulations are implemented. Zoning is only the first of many steps in the process. He reminded everyone that zoning cases run with the land. They are not dependent on the identity of the developer or the landowners.

Quoting from the staff report about traffic projections, Mr. Berry stated that "North Ranchgate Road is the primary access to the project and is adequate to handle the additional traffic that will be generated." The stipulations specify each of the improvements that have to be made with full details as to location. The developer will be improving existing bottlenecks not created by this project. He noted that along the frontage to the project the developer is only required to build half a street, however, the Applicant will build the entire street. This will benefit everyone driving to the Tom's Thumb trailhead. Mr. Berry said whether this land is rezoned or not, other development will take place in the area and so Happy Valley Road needs widening. The Transportation Master Plan assumes that the area is fully developed. He noted that since the Transportation Master Plan was written, 1500 acres have been incorporated into the Preserve. This means that 1500 homes cannot be built.

He recalled that before Troon was approved many residents were opposed to it, but City Council recognized that master planning was the right way to go. He summarized that this project is doing more than its fair share to solve transportation problems it did not create.

Commissioner Kush inquired about the ownership of the various parcels. Mr. Berry said one large parcel in the center belongs to an overseas owner that is supportive of the process but has opted not to participate. Staff confirmed that the zoning on this parcel is not affected by the present case. The owner of another 40 acres is considering whether to participate in the master planned development or keep the land as an equestrian property. Mr. Berry confirmed that the ten-acre parcel in the southern portion which was the subject of a major General Plan amendment request to relocate Greasewood Flats is not included in the present case. The Cavalliere family withdrew that request. The family has owned the land for approximately 30 years.

Commissioner Brantner commented that this is just the first step of many. The Planning Commission will review the site plan of each area of the community, and there will be landscaping and architectural reviews also. He felt this is a great opportunity for the area and supports it.

Commissioner Kush shared that he lives at the northwest corner of Alma School and Happy Valley. Although many of his concerns about traffic have been answered by Transportation and Planning staff, he inquired about plans for the portion of Ranchgate by Sereno Canyon. Mr. Phil Kercher of the Transportation Department said there is a stipulation that the developer of Sereno Canyon will complete this once the plat application is approved and before construction begins.

Commissioner Kush said it is important that future development be a good neighbor. He asked whether construction traffic on Happy Valley could be limited, given that construction will be ongoing for ten to 15 years. Mr. Kercher said this question is usually considered later in the project. Unfortunately the only two feasible routes into this area are Happy Valley and

Jomax and residents in both areas are concerned about construction traffic. Commissioner Kush argued that residents are already concerned about this issue and he personally knows that construction traffic can be a nuisance. He suggested that it should be considered in advance and that any traffic study should specifically consider construction traffic.

Mr. Kercher explained that the traffic study does not typically address this. The Field Service Group addresses construction traffic. The only other possibility would be if the Applicant is willing to stipulate to limitations on construction traffic.

Commissioner Kush inquired about drainage, about which several members of the public had spoken. Several homes in Troon have experienced severe flooding. Maintenance of culverts and drainage pipes is crucial. Silt in pipes exponentially reduces drainage capacity and this was the major cause of the Troon flooding. He asked what the City has done to ensure that future large scale communities properly maintain the pipes and culverts. Mr. Nerijus Baronas, stormwater engineer, said the City is addressing this and it will be dealt with as design details are provided. Sediment basins can be built just upstream of culverts to prevent silting of pipes. Emergency overflow locations can be provided to avoid overspills. He noted that the Preserve is downstream of this development so no homes would be affected.

Saying this is not intended as a criticism, Commissioner Kush said in his 40-year construction career in Scottsdale he has noticed that these concerns are typically raised at zoning hearings, but staff does not seem to be thinking about these concerns and how they will be alleviated. He suggested in future this should be made clear to the public, since this is a perennial concern.

Commissioner Cody said he was impressed by the speakers' delivery, civility and the content of their remarks. While the presentation on the economic impact of development was well thought out he felt it falls outside of the Commission's purview. He feels that the benefits of the master planning process far outweigh the haphazard approach that might otherwise occur. Although people had questions about land ownership he felt this is not a legitimate concern for this application. The Planning Commission hears concerns about traffic in connection with many cases. Traffic management, however, is not the concern of any single developer. He supports this application.

COMMISSIONER BRANTNER MOVED TO RECOMMEND THAT CITY COUNCIL APPROVE CASE 13-ZN-2014 (CAVALLIERE RANCH) PER THE STAFF RECOMMENDED STIPULATIONS AND AFTER DETERMINING THAT THE PCD FINDINGS HAVE BEEN MET AND THE PROPOSED ZONING DISTRICT MAP AMENDMENT AND DEVELOPMENT PLAN ARE CONSISTENT AND CONFORM TO THE ADOPTED GENERAL PLAN. COMMISSIONER CODY SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FIVE (5) TO ZERO (0). CHAIRMAN GRANT LEFT EARLY. COMMISSIONER FAKIH WAS ABSENT.

4. 6-GP-2014 (Bahia Live Work Play Project)
5. 14-ZN-2014 (Bahia Live Work Play Project)

Senior Planner Mr. Greg Bloemberg presented this application.

Mr. John Berry spoke on behalf of the Applicant.

Vice Chair Edward opened public testimony.

Mr. Howard Myers commented that this project impacts both WestWorld and the Airport, which are critical amenities for retaining tourists and high income residents. Putting residential development in an industrial area violates many of the City's General Plan and Greater Airpark Character Area Plan goals and policies. He noted that the Airport Advisory Commission expressed concerns about the impact of this development on the Airport. There are good reasons to separate residential and industrial land uses. The height of this development is a detriment. Staff has noted potential traffic impacts. Although this may be a great project, the location is not right.

Mr. Jim Hartsock, President of the McDowell Mountain Business Center, which is adjacent to this property at 91st and Bahia., said that the 11 owners in the Business Center are not happy about the proposed zoning change. Only one owner had received the public outreach card. In their opinion this project does not conform to the area for several reasons. Residential does not mix with light industrial. They fear that residents will complain about the industrial uses and force closure on the existing businesses. The businesses targeted for this project can be conducted in any residential neighborhood with a home office exemption while the existing small family businesses in this area cannot be conducted in a residential neighborhood, for example small contractors, air conditioning contractors, stereo and alarm contractors, packaging companies, tire distributors, and clothing manufacturers. He noted that since the school opened traffic has been a nightmare. During special events at WestWorld traffic is a major nuisance and residents will likely complain to the City. Although the project is slated to be three and four story buildings with covered rooftop patios, the renderings all depict four and five story buildings. Although the height restriction on a three-acre parcel is supposed to be 42 feet the Applicant wants over 60 feet and tonight a height of 92 feet was mentioned. He acknowledged that the concept is creative, but in this industrial zone there are no services within walking distance. An industrial area has many attractive nuisances that may pose dangers to any resident children. This project does not fit Scottsdale's image. It looks awesome but is not right for this location. He urged the Commission not to change the zoning.

Mr. Andrew Cleary, who owns a business in this area, said this is a great project. This area is family oriented as people come to use the fitness facilities. The Ice Den is open late for adult hockey. He said there is a great market for this project and will enhance the existing business.

Mr. Berry said this project only exists at this location and cannot be replicated anywhere else, because it is close to WestWorld, the McDowell Mountains, and has such good freeway access. The market study determined that there is demand for this development. To obtain the additional height and density, the developer will contribute \$868,000 towards improvements at WestWorld. The maximum height of the live work units will be 42 feet. One building is planned to be 65 feet high. The main traffic concern is from the Scottsdale Preparatory Academy next door. As a result of chronic traffic concerns and the current application, the school has now staggered class times to reduce the morning and afternoon congestion. City staff acknowledges that this has greatly improved the situation.

Commissioner Kush he hoped a stipulation could be added that the developer be required to notify homeowners of the permitted industrial uses so that people are aware of the implications when deciding whether to buy. He feels this is a nice project and that the use is acceptable.

Mr. Tim Curtis said that can be added to the disclosures regarding the proximity of the Airport and WestWorld. Mr. Berry noted that stipulation 5 requires the developer to submit their CC&Rs to staff. They are required to make these disclosures and provide the public report to buyers. The developer would commit to ensuring that the deed restrictions and other notices includes disclosure of the proximity to the Airport and WestWorld and that the project is located in an industrial area. The developer was already planning to do this and has no objection to including this in the stipulations.

Commissioner Kush said it is important that homeowners understand the implications of the disclosures, for example that proximity to WestWorld means traffic and noise from events.

COMMISSIONER BRANTNER MADE A MOTION TO RECOMMEND THAT CITY COUNCIL APPROVE CASE 6-GP-2014 AND 14-ZN-2014 PER THE STAFF RECOMMENDED STIPULATIONS AND AFTER DETERMINING THAT THE PCD FINDINGS HAVE BEEN MET AND THE PROPOSED ZONING MAP AND DEVELOPMENT PLAN ARE CONSISTENT AND CONFORM WITH THE ADOPTED GENERAL PLAN, WITH THE ADDED STIPULATION THAT A DISCLOSURE BE GIVEN TO PURCHASERS REGARDING THE PROXIMITY OF WESTWORLD AND THAT THE SITE IS LOCATED IN AN INDUSTRIAL PARK, WITH DETAILS OF THE RISKS ASSOCIATED WITH LIVING IN THAT PROJECT. COMMISSIONER KUSH SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FIVE (5) TO ZERO (0). CHAIRMAN GRANT LEFT EARLY AND COMMISSIONER FAKIH WAS ABSENT.

10. **ADJOURNMENT**

With no further business to conduct, Vice Chair Edwards adjourned the regular meeting at 7:42 p.m.

SUBMITTED BY:

A/V Tronics, Inc. DBA AVTranz.

***Note: These are summary action meeting minutes only. A complete copy of the audio/video recording is available at <http://www.scottsdaleaz.gov/boards/PC>**